

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6151 OF 2019

DARUBAI DAJIBA KADAM
VERSUS
TARABAI NIVRATI SURYAWANSHI AND OTHERS

...
Mr. M.D. Godhamgaonkar, Advocate for petitioner
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 11-12-2019

ORDER :

1. Heard learned counsel for petitioner, who purports to take the court through the long drawn litigation history amongst the parties. He refers to that the suit has decreed in favour of respondents and appeal therefrom at the instance of present petitioner has failed, yet, second appeal is pending before this court against the decree in favour of respondents.

He contends that it is during pendency of second appeal, after about 17 years, approach for mutation has been made and the same has been allowed by tahsildar. He submits that the delay could not be said to have been properly explained. In the circumstances, the proceedings being belated, ought not to have been entertained. He submits that further two appeals against order of tahsildar have not met with success.

2. Considering the conspectus of the matter, it does not appear to be a case wherein exercise of discretionary powers of this court is called for.

3. Writ petition, thus, is not entertained and is rejected.

4. Needless to refer to that efficacy of mutation would be subject to outcome of civil litigation.

[SUNIL P. DESHMUKH]
JUDGE

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